

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GLENN BENTON FINCK,)	
a.k.a. Beau Lee DuBois, ID # 02287-081,)	
Petitioner,)	
vs.)	No. 3:05-CV-0718-D
)	
DAN JOSLIN,)	
Respondent)	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing all relevant matters of record in this case, including the findings, conclusions, and recommendation of the United States Magistrate Judge and petitioner's objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned is of the opinion that the findings and conclusions of the magistrate judge are correct, and they are accepted as the findings and conclusions of the court.


In addition to the cases on which the magistrate judge relies to reject petitioner's challenge to collection of restitution from non-institutional sources, the court notes that the Ninth Circuit has also rejected petitioner's argument. In *Moreno v. Hood*, 10 Fed. Appx. 600 (9th Cir. 2001) (per curiam) (unpublished opinion), the panel held:

Moreno contends that the Federal Bureau of Prisons ("BOP") is violating his constitutional rights by deducting non-institutional funds from his prison account towards the payment of his \$3,500 fine through the Inmate Financial Responsibility Program ("IFRP"). This contention lacks merit. The Judgment and Commitment order requires Moreno to pay the fine out of funds earned during incarceration and under the IFRP. Because the IFRP states that "[p]ayments may be made from institution resources or non-institution (community) resources," the BOP is permitted to collect payments from non-wage funds in Moreno's account. 28 C.F.R. § 545.11(b).

Id. at 601.

The court denies petitioner's motions for injunction and other requests for injunction, grants respondent's motion to dismiss, and by separate judgment, dismisses the instant petition filed pursuant to 28 U.S.C. § 2241.

SIGNED February 28, 2006.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE